

INSTRUCTIONS TO NAVAL COMMANDERS IN THE GULF  
OF MEXICO.

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

*In answer to a resolution of the House, extracts from, and copies of, the  
instructions given to our naval commanders in the Gulf of Mexico.*

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JANUARY 6, 1859.—Referred to the Committee on Foreign Affairs and ordered to be printed.

*To the House of Representatives:*

I herewith transmit to the House of Representatives a report from the Secretary of the Navy, with accompanying papers, in compliance with a resolution adopted December 23, 1858, requesting the President of the United States "to communicate to the House, if not deemed by him incompatible with the public interest, the instructions which have been given to our naval commanders in the Gulf of Mexico."

JAMES BUCHANAN.

WASHINGTON CITY, *January 6, 1859.*

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NAVY DEPARTMENT,  
*January 4, 1859.*

SIR: I have the honor to acknowledge your reference to this department of the resolution of the House of Representatives of December 23, 1858, requesting the President of the United States "to communicate to the House, if not deemed by him incompatible with the public interest, the instructions which have been given to our naval commanders in the Gulf of Mexico;" and to transmit herewith extracts from, and copies of, instructions which have been given to the commander of the home squadron during the past year, and which have not been previously laid before Congress.

I am, very respectfully, your obedient servant,

ISAAC TOUCEY.

The PRESIDENT of the United States.

[Extract.]

NAVY DEPARTMENT,  
May 5, 1858.

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As attempts have been made, and may be made again, by lawless persons, to set on foot within the limits of the United States military expeditions against the territories of republics with which the United States are at peace, in direct violation of the sixth section of the act of Congress approved April 20, 1818, you are instructed to avail yourself of all lawful means at your command to enforce its provisions.

American citizens have a right to travel and go where they please, when engaged in lawful pursuits, but not to violate the laws of their own or any other country. They have a right to expatriate and to become citizens of any country willing to receive them, but not to make that right a mere cloak and cover for a warlike expedition against it or its government. You are not authorized to act arbitrarily or on mere suspicion. You will not seize an American vessel, or bring her into port, or use the force under your command to prevent her landing her passengers, upon mere suspicion.

You will be careful not to interfere with lawful commerce, but when you find an American vessel is manifestly engaged in carrying on an expedition or enterprise from the territories or jurisdiction of the United States, contrary to the 6th section of the act of Congress of April 20, 1818, already referred to, you will use the force under your command to prevent it, and will not permit the men or arms engaged in it, or destined for it, to be landed. The message of the President to the Senate of January 7, 1858, to which I refer you, expresses very fully his views upon the subject, and I would direct your attention to that part of it in which he says that Commodore Paulding, in capturing General Walker and his command, after they had landed on the soil of Nicaragua, committed a grave error. It will be necessary to have a vessel look into San Juan and Aspinwall as often as other important interests will permit; and when the squadron shall have been increased it may become expedient to have vessels constantly there. \* \* \* \* \*

Very respectfully, your obedient servant,

ISAAC TOUCEY

Flag-Officer JAMES M. McINTOSH,  
*Commanding Home Squadron, Norfolk, Virginia.*

NAVY DEPARTMENT, May 10, 1858.

SIR: I have received your No. 24, dated the 7th instant, in which you say: "There is one point, however, upon which I should be pleased to receive more definite instructions, and that is, as to the capture of an American vessel, which may be suspected of carrying filibusters. Suppose I was to meet a vessel at sea, from New Orleans

or Mobile, for instance, bound for Nicaragua, having a proper clearance from the collector, list of passengers, and with all other papers regularly made out, her passengers professing to be going peaceably to reside in Nicaragua, or to the Pacific; but I find on board such persons as are well known to be leading fillibusters, or others connected with former expeditions; the men are found to bear arms, although no demonstration had been made during the passage to form them into companies, or to show that they were intended to act as fillibusters. Would the collector's clearance and other papers warrant my permitting the vessel to pass, or would the fact of these well known fillibusters being on board warrant my sending her back, notwithstanding her clearance and other papers?"

Upon a careful examination of your instructions of the 5th instant you will perceive that your inquiry has already been fully answered. You are not authorized by them to act upon mere suspicion, and the fact of bearing arms, or having been formerly connected with an unlawful expedition, cannot of itself, or both combined, amount to more than mere suspicion, or justify the seizure of a vessel in which such person has embarked as a passenger, where the vessel has the proper clearance and other regular papers.

Very respectfully, your obedient servant,

ISAAC TOUCEY.

Flag-Officer JAMES Mc McINTOSH,

*Commanding Home Squadron, Hampton Roads, Va.*

NAVY DEPARTMENT,  
June 30, 1858.

SIR: The interests of the government require the immediate presence of a naval force at the port of San Juan del Norte, to which place you will proceed with the Colorado, the Plymouth, the Saratoga, and the Dolphin, and there remain until further instructed. It is desirable that the appearance of these vessels off the harbor should be simultaneous. \* \* \* The object of this force is the protection of American citizens and their rights in that quarter.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Flag-Officer JAS. M. McINTOSH,

*Commanding Home Squadron, Havana, Cuba.*

NAVY DEPARTMENT,  
August 1, 1858.

SIR: In compliance with the instructions to your predecessor, that there should "constantly be a man of war at Aspinwall," you will, on your arrival off San Juan del Norte, send either the Savannah or Saratoga to that place, to be relieved as the force that may hereafter be placed at your disposal will permit. \* \* \* You will be par-

ticular to instruct the commanders of the different vessels of your squadron to be vigilant in preventing the landing of unlawful military expeditions from the United States against the territories of Mexico, Nicaragua, and Costa Rica, and other republics with which the United States are at peace; and, should occasion arise, in protecting any vessel of the United States from search or detention on the high seas by the armed ships of any other power in time of peace.

Very respectfully, your obedient servant,

ISAAC TOUCEY

Flag-Officer JAS. M. McINTOSH,  
*Commanding Home Squadron, Boston.*

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NAVY DEPARTMENT,  
*August 19, 1858.*

SIR: The department having already instructed you upon the subject of stationing a part of the force under your command at Aspinwall and San Juan del Norte, I consider it necessary but to simply communicate to you the desire of the President that, during the present complicated state of our relations with New Granada, Costa Rica, and Nicaragua, an adequate naval force should constantly be kept at each of the points named. You will, on your arrival at San Juan del Norte, put yourself in free communication with General Lamar, our minister at Nicaragua and Costa Rica.

On the arrival of the Jamestown at Portsmouth, New Hampshire, the department directed the commandant of the yard to have her hold broken out and cleansed, and then to prepare her for a short cruise to the eastward. But the pressing demand for the presence of the home squadron on the Central American coast, and other circumstances, may render the contemplated cruise to the eastward unnecessary or inexpedient, in which case the Jamestown, as soon as ready for sea, will be ordered by the department to join you again.

I am, respectfully, your obedient servant,

CHARLES W. WELSH,  
*Acting Secretary of the Navy.*

Flag-Officer JAMES M. McINTOSH,  
*Commanding Home Squadron, Boston.*

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NAVY DEPARTMENT,  
*November 3, 1858.*

SIR: The condition of our affairs with Mexico renders it expedient that two men-of-war should cruise off the Gulf coast of that republic. It is the intention of the department so soon as the Plymouth reaches the United States to send her back to the Gulf, as a portion of the squadron under your command, or otherwise the St. Louis. You will, for the present, if the Jamestown has joined you, send the Saratoga to Tampico, and when you are able to place a vessel at San Juan del

Sur as a substitute for the Savannah, send her to Vera Cruz, with instructions for her, as well as the Saratoga, to cruise off and on in the neighborhood of those places, respectively, for the protection of the persons and property of American citizens, and to communicate with our consul at those and other Mexican ports. This will not interfere with instructions which have been previously given for you to remain at San Juan.

Very respectfully, your obedient servant,

ISAAC TOUCEY.

Flag-Officer JAMES M. McINTOSH,  
*Commanding Home Squadron,  
San Juan del Norte, Nicaragua.*

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NAVY DEPARTMENT, *November 17, 1858.*

SIR: Transmitted herewith, for your information, is a copy of a proclamation, recently issued by the President, in relation to illegal military expeditions or enterprises, to be set on foot in the United States, against Nicaragua. In communicating this proclamation to you the department refers to your instructions of the 5th of May, 1858, and directs you to be vigilant, to intercept at sea, and thereby prevent from landing in Nicaragua, any expedition fitted out in the United States, in violation of the 6th section of the act of Congress of April 20, 1818. You will not do this within any harbor, nor land any part of your forces for the purpose. The laws of Nicaragua now require that all persons who intend quietly to settle within her territories shall first procure a passport from her minister resident or consul general in the country from which they may emigrate. This does not apply to those passengers intending to proceed through Nicaragua, over the transit route, from ocean to ocean, but merely to settlers, and it will, in a great measure, aid you in deciding what course should be pursued.

In reply to that portion of your despatch No. 48, (the receipt of which is hereby acknowledged,) in reference to the insufficiency of the boats on the river and lake to transport the passengers that may be carried to San Juan del Norte, and your apprehension that their dissatisfaction may lead them to commit acts of violence, the department instructs you that, while you will not interfere on land, or in any harbor, for the purpose of arresting any unlawful expedition set on foot in the United States, contrary to the acts of Congress already referred to, you will, on the other hand, protect the persons and property of citizens of the United States, engaged in lawful business, against all unlawful acts of violence and oppression, to the full extent of your power.

In affording this protection to American citizens you must be guided by your best judgment and discretion.

I am, respectfully, your obedient servant,

ISAAC TOUCEY.

Flag-Officer JAMES M. McINTOSH,  
*Commanding Home Squadron, San Juan del Norte, Nicaragua.*







